

ASSEMBLY BILL

No. 1122

Introduced by Assembly Member Levine

February 22, 2013

An act to add Section 2251 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 1122, as introduced, Levine. Voter registration: Department of Motor Vehicles.

Existing law, the federal National Voter Registration Act of 1993, requires a state to establish procedures to register a person to vote by application made simultaneously with an application for a motor vehicle driver’s license, by mail application, and by application in person at a registration site or designated voter registration agency. With respect to an application made simultaneously with an application for a motor vehicle driver’s license, the act requires the motor vehicle driver’s license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant’s previous voter registration, if any. The federal act defines “motor vehicle driver’s license” to include any personal identification document issued by a state motor vehicle authority.

The United States District Court for the Northern District of California, in the matter of *Wilson v. United States*, held that the federal act is constitutional and on May 4, 1995, ordered the State of California to implement the State’s Plan for Implementation of the National Voter Registration Act.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing state law establishes procedures

for a person to register to vote by mail or by application in person at a registration site or office of a designated voter registration agency. Existing state law also requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles, or accepted by any other public agency designated as a voter registration agency, on or before the 15th day before the election.

To the extent the state's plan is inconsistent with the federal act, this bill would require the Department of Motor Vehicles, in coordination with the Secretary of State, to take additional steps to fully implement and further comply with a specified provision of the federal act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2251 is added to the Elections Code, to
2 read:
3 2251. To the extent the State's Plan for Implementation of the
4 National Voter Registration Act, which was adopted and ordered
5 implemented by the United States District Court for the Northern
6 District of California on May 4, 1995, in the matter of Wilson v.
7 United States (Nos. C 95-20042 JW, C 94-20860 JW), is
8 inconsistent with the federal National Voter Registration Act of
9 1993 (42 U.S.C. Sec. 1973gg et seq.), and notwithstanding any
10 other provision of state law, the Department of Motor Vehicles,
11 in coordination with the Secretary of State, shall take additional
12 steps to fully implement and further comply with Section 1973gg-3
13 of Title 42 of the United States Code.

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